

**REMARKS:****I. Introduction**

In the Office Action mailed on August 25, 2006, the Examiner rejected claims 1 to 20. The present amendment cancels no claims, amends claims 1, 10, 18, and adds no new claims. Accordingly, claims 1 to 20 remain pending in this application.

**II. Objections to the Specification**

The Examiner objected to the disclosure due to informalities. The item identified by the Examiner has been corrected. Reconsideration and withdrawal of the objection is requested.

**III. Claim Rejections Based on 35 U.S.C. § 103(a)**

(a) The Examiner rejected claims 1 to 9 under 35 U.S.C. 103(a) as being unpatentable over Russell (US Pub. 2004/0244524) in view of Osborne (US 5,277,077). The Examiner stated that ‘Russell does not disclose a roller that engages the detent profile” and “Osborne teaches a pawl (42) that includes a roller (43) that engages the detent profile for the purpose of providing a shift lever handle assembly having a limited number of parts and constructed of parts that can be actuated more smoothly and with less effort (C2/L30-35)”. The Examiner concluded that “it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Russell and provide a pawl that includes a roller that engages the detent profile, as taught by Osborn for the purpose of providing a shift lever handle assembly having a limited number of parts and constructed of parts that can be actuated more smoothly and with less effort.”

Osborne discloses a vehicle shifter having a primary detent assembly (52) for locking the lever (51) in various gear positions and a secondary detent assembly (40) for providing a desired feel upon moving the lever (51). The primary detent assembly includes a pawl (52) in the form of a pin that engages a gate profile to lock the position of the lever (51). The pawl (52) does not include a roller or wheel of any kind. A push button actuator (53) is provided to move the pawl (53) from its locking position within the gate profile to an unlocking position so that the lever (51) can be moved to another gear position. The secondary detent assembly (40) includes a roller (43) that moves along a detent profile (41) as the lever (51) moves to provide a

desired feel, that is, a feeling of a changing between distinct gear positions. It is note that the secondary detent assembly (40) does not lock or prevent movement of the lever (51) between the gear positions. It is the primary detent assembly (52) that locks the shift lever.

In contrast, the present invention provides a primary detent assembly that selectively locks the shift lever in position with a pawl in the form of a roller that engages the detent profile to lock the shift lever in position. Neither Osborn nor any other prior art of record discloses or reasonably suggests a locking pawl in the form of a roller. Osborne simply teaches having a “feel” detent in the form of a roller that rolls along a detent profile as the shifter lever is moved.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of “wherein the pawl includes a roller that engages the detent profile when the pawl is in the locking position to lock the shifter lever in one of the plurality of gear positions against movement along the shift path.” No prior art of record reasonably discloses or suggests the present invention as defined by claim 1. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 10 to 15 under 35 U.S.C. 103(a) as being unpatentable over Russell (US Pub. 2004/0244524) in view of Kataumi (US 5,445,046). The Examiner stated that “Russell does not disclose that the pawl moves in an arcuate path” and “Kataumi teaches a pawl (30) that is moved by an actuator (spring) in an arcuate path for the purpose of engaging a plurality of detent teeth in a releasable manner (C1/L36-54).” The Examiner concluded that “it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Russell and provide a pawl (30) that is moved by an actuator in an arcuate path, as taught by Kataumi, for the purpose of engaging a plurality of detent teeth in a releasable manner.

Kataumi discloses a vehicle shifter having a primary detent assembly (not illustrated but described at C3/L20-36) for locking the lever (22) in various gear positions and a secondary detent assembly (28) for providing a desired feel upon moving the lever (22). The primary detent assembly includes a pawl in the form of a pin that engages a gate profile to lock the

position of the lever (22). The pawl moves in an axial path along the central axis of the lever (22). The secondary detent assembly (28) is pivotally attached to the lever (22) and moves along a detent profile (12) as the lever (22) moves to provide a desired feel, that is, a feeling of a changing between distinct gear positions. A spring (24) resiliently pivots the pawl (30) into engagement with the detent profile (12). It is note that the secondary detent assembly does not lock or prevent movement of the lever (22) between the gear positions. It is the primary detent assembly that locks the shift lever (22). It is additionally noted that the secondary detent assembly (28) does not include an actuator to move the pawl (30) out of engagement with the detent profile (12). The pawl (30) remains in contact with the detent profile (12) at all times due to the spring (24) so that the pawl (30) provides the desired feel as the lever (22) moves.

In contrast, the present invention provides a primary detent assembly that selectively locks the shift lever in position with a pawl that pivots along an arcuate path to engage the detent profile to lock the shift lever in position. Neither Kataumi nor any other prior art of record discloses or reasonably suggests a locking pawl that pivots along an arcuate path between locking an unlocking positions. An actuator is proved to selectively move the pawl to an unlocking position when it is desired to move the lever. Kataumi simply teaches having a “feel” detent that pivots under spring bias into engagement a detent profile as the shifter lever is moved.

Independent claim 10, and claims dependent therefrom, are allowable because they each include the limitations of “a pivotable detent lever carrying the pawl over an arcuate path between the locking position and the unlocking position” and “a linear actuator operatively coupled to the detent lever to selectively pivot the detent lever to move the pawl over the arcuate path from the locking position to the unlocking position.” No prior art of record reasonably discloses or suggests the present invention as defined by claim 10. Reconsideration and withdrawal of the rejection is requested.

(c) The Examiner rejected claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Russell (US Pub. 2004/0244524) in view of Kataumi (US 5,445,046) and further in view of Osborne (US 5,277,077).

Dependent claims 16 and 17 are allowable as depending from allowable independent claim 10 as discussed above and for novel and non-obvious matter contained therein. As noted above, Osborn discloses a "feel" detent having a roller rather than a locking detent. Reconsideration and withdrawal of the rejection is requested.

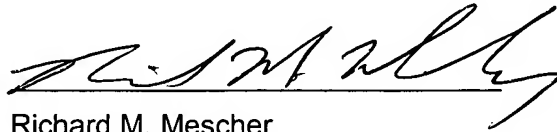
(d) The Examiner rejected claims 10 to 15 under 35 U.S.C. 103(a) as being unpatentable over Russell (US Pub. 2004/0244524) in view of Wheeler (US 6,038,939). The Examiner stated that "Russell does not disclose a spring plate movable with the shifter lever along the shift path and forming a secondary profile, and a spring engaging the secondary detent profile as the shifter moves over the shift path" and "Wheeler teaches a spring plate (housing grooves 144) movable with the shifter lever (118) along the shift path and forming a secondary profile (grooves 1440 and a spring (160) engaging the secondary detent profile (144) as the shifter moves over the shift path for the purpose of holding the lever subassembly in anyone of the various detent positions (C3/L14-16 (60 and 160 are both springs in alternative embodiments))." The Examiner concluded that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Russell and provide a spring plate movable with the shifter lever along the shift path and forming a secondary profile and a spring engaging the secondary profile as the shifter moves over the shift path, as taught by Wheeler, for the purpose of holding the lever assembly in anyone of the various detent positions."

Independent claim 18, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the detent plate and the spring plate are substantially parallel and spaced apart and are located on opposite sides of the shifter lever" and "wherein the pawl is carried by a detent lever and the detent lever and the spring lever are spaced apart and attached to the base on opposite sides of the shifter lever." No prior art of record reasonably discloses or suggests the present invention as defined by claim 18. Reconsideration and withdrawal of the rejection is requested.

#### IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,



Richard M. Mescher  
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2026  
Fax: (614) 227-2100

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